Final Review of the 2012 Action Agenda Update and Strategic Initiatives

Combined Fatal Flaw and NTA amendment forms

Received as of July 17, 2012

All forms received will be posted online at www.psp.wa.gov and provided to the ECB and the Leadership Council as they make final decisions about the Action Agenda update. Review forms are due no later than July 13, 2012. Please send completed forms to actionagenda@psp.wa.gov.

1.	Name: Kathy Minsch		
2.	Agency or Affiliation: City of Seattle, Seattle Public Utilities		
3.	Contact Information: Phone: 206-615-1441 Email: kathy.minsch@seattle.gov		
4.	Please identify your concern with the draft (check box): Sub-Strategy A4.2 please specify number: This is very broad – who is the owner? What is the performance measure? Who is going to develop the incentives? Please involve local government representatives in developing this work. NTA please specify number: Other please specify page/section and specific concern:		
5.	What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure: Add to end of strategy after "urban areas:: "while allowing for and encouraging restoration and protection of critical habitat"		
6.	Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals. While we appreciate the focus on helping cities to continue to implement growh management requirements, a major concern is the need to also allow for urban habitat protection and restoration, for fish, wildlife and people.		
7.	Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.		
8.	Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years. Part of Puget Sound recovery is the restoration and protection of habitat along the urban shorelines and in urbanized watersheds.		

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- 1. Name: Molly Lawrence
- 2. Agency or Affiliation: Property Owners for Sensible Floodplain Regulations (P.O.S.F.R)
- 3. Contact Information:

Phone: 206-623-9372 Email: mol@vnf.com

Please identify your concern with the draft (check box):
 Sub-Strategy ∑ please specify number: A5.3
 NTA ☐ please specify number:
 Other ∑ please specify page/section and specific concern:

Page 72, A5.3 Protect and maintain intact and functional floodplains. The second paragraph in the opening discussion to this sub-strategy must be expanded to capture important information regarding the BiOp. Referring to the BiOp as the singular document against which to evaluate floodplain progress is incomplete and out of date. Since issuance of the BiOp in September 2008, FEMA, in conjunction with NOAA Fisheries, has prepared guidance that clarifies and recognizes many on-the-ground realities the BiOp did not capture. The AA needs to acknowledge and incorporate that guidance and further evolution of the BiOp, rather than singularly referring to or relying on the BiOp. For example, the BiOp applies a "one size fits all" approach to floodplains, assuming that all floodplains provide high quality habitat and that all floodplain development impacts habitat. Subsequent discussions between FEMA, NOAA Fisheries and other interested entities have clarified that that is not the case. The agencies now acknowledge - as the AA should - that many floodplain areas in the PS Basin are altered lands with varying levels of functions and values, especially in the Central Puget Sound which for years has captured a large share of the state's population and economic growth over the years. Further, while the BiOp does include a seven part "reasonable and prudent alternative," FEMA, with the concurrence of NOAA Fisheries, has taken a modified approach to those RPAs. In sum, the references to the BiOp need to be updated to account for the evolution of the floodplain discussion that has occurred since the BiOp was issued in September 2008.

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

The Federal Emergency Management Agency (FEMA) implements the National Flood Insurance Program (NFIP). NFIP issues flood insurance to homeowners and greatly influences the type and extent of development in floodplains. In late 2008, the National Marine Fisheries Service (NMFS) issued a Biological Opinion (BiOp) finding that the NFIP jeopardizes the existence of several Puget Sound species listed under the Endangered Species Act (ESA). NMFS has identified seven actions for FEMA that would bring the NFIP

into compliance with the ESA, the third of which calls for FEMA to modify its implementation of the NFIP minimum criteria to prevent and/or minimize the degradation of channel and floodplain habitat. NMFS set a deadline of September 22, 2011 for work by FEMA and 122 communities in Puget Sound to implement this action.15 The BiOp and the work it outlines for FEMA and Puget Sound communities is a critical component in achieving the floodplain recovery target. FEMA, with concurrence from NOAA Fisheries, has prepared guidance that clarifies and recognizes the on-the-ground realities the BiOp did not capture. FEMA and local jurisdictions are working to ensure their policies and procedures prevent and/or minimize degradation of existing channel and floodplain habitat functions.

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

It is important to make this change now so that all parties understand that the BiOp and its supporting documents must be read together not just the BiOp document. Furthermore, the precise meaning, application and "requirements" of the BiOp are in flux due to a lawsuit filed by the National Wildlife Federation against FEMA related to implementation of the BiOp. Until that lawsuit is resolved, what is actually required by the BiOp remains somewhat uncertain.

Further, POSFR has provided the PSP a number of pieces of correspondence with FEMA and NOAA Fisheries regarding our concerns. In addition our organization has been working with local jurisdictions on implementation. It is important that PSP document additional steps that have occurred in recognition of protecting important floodplain habitat areas while working to accomplish a balance that ensures maintenance of the local economy in Puget Sound jurisdictions.

Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

No.

 Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

By not making the requested change, there is the potential to create confusion by continuing to refer only to the BiOp document itself without reference to the ongoing evolution of the BiOp through interpretative guidance and application.

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1.	Name: Amy Ockerlander		
2.	. Agency or Affiliation: Snohomish County Surface Water Management		
3.	Contact Information: Phone: 425-388-6428 Email: amy.ockerlander@snoco.org		
	 Please identify your concern with the draft (check box): Sub-Strategy please specify number: A5.4 Implement and maintain priority floodplaiestoration projects. NTA □ please specify number: Other □ please specify page/section and specific concern: 		

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

The target identified for Puget Sound recovery calls for a 15 percent restoration of floodplains. This is an ambitious goal, but, because of the importance of floodplains to overall Puget Sound recovery, an absolutely critical one. Achieving it will require overcoming key barriers in order to deliver the necessary (10 public support, (2) funding, and (3) interagency coordination. It will take significant commitment and collaboration from agencies and a new approach that aligns flood risk management efforts and programs so that the necessary support and funding is garnered to accelerate recovery actions.

Floodplain forested lands are critically important habitat and provide several indespensible ecosystem services. The ecosystem services include rainfall diversion and storage to stem the flow of water to reduce downstream flood damage; surface water quality protection; groundwater recharge; and mitigation of erosion and sedimentation deposit.

The production of arable soils is one of the most valuable ecosystem services society gets from floodplains. The result is that the majority of farmland in Puget Sound is located in floodplains because of the rich, fertile soil. However, agricultural land use can significantly alter the functionality of floodplains. In their rating of existing floodplain function in Puget Sound, the NMFS found that agriculture-dominated water resource inventory areas (25 percent or greater agricultural use) had "poor" or poor-fair" conditions. Farmers also experience the direct social and economic costs of floods when they occur. As we look to the future there is an opportunity to change agricultural management practices to make it more compatible with recovering floodplain functions.

Coordinationg with these floodplain agricultural interests can enhance stewardship of critical floodplain habitat while maintaining viability for critical resource lands.

It is important to locate new and replacement public infrastructure (e.g., bridges, roads, rails, treatment plants) outside of floodplains and ensure that the design of new or replacement infrastructure optimizes and enhances floodplain function. Repairs to infrastructure that cannot be relocated should be the least disruptive of floodplain function as possible.

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

The GMA requires that commercially significant agricultural lands be preserved. In many areas commercially significant agricultural lands are the same land as critical salmon habitat restoration opportunities. State and local laws require both activities. Without spelling out the need to coordinate the two interests, existing conflict could increase and ultimately slow down projects.

- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

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1.	Name: Dominga Soliz		
2.	Agency or Affiliation: Recreation and Conservation Office		
3.	Contact Information: Phone: (360)725-3937 Email: Dominga.Soliz@rco.wa.gov		
4.	. Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: A 6.5.1 Lead Entity and Partner Funding Strategy. By December 2012, PSP in collaboration with the Salmon Recovery Council and RCO, will identify a funding strategy and approach to support salmon recovery lead entities and the associated partner programs essential to implementing the salmon and steelhead recovery. Performance Measure: Strategy and approach completed by December 2012 Other please specify page/section and specific concern:		
5.	What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure: We recommend the date on this NTA be extended from December 2012 to December 2013.		
6.	Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals. We are currently working on justification for a maintenance level funding to be submitted to OFM in September 2012, however RCO does not have staff capacity to		

8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years. We are asking for a clarification about the NTA.

7. Do you anticipate any particular support or opposition/concern related to your change? If

lead or co-lead a broader, enhanced funding strategy at this time.

We may not be able to meet the performance goal.

so please describe briefly.

We do not expect any opposition.

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Name: Naki Stevens
Agency or Affiliation: WA DNR
Contact Information: on file Phone: Email:
Please identify your concern with the draft <i>(check box)</i> : Sub-Strategy \square <i>please specify number</i> : NTA \square <i>please specify number</i> : Other x \square <i>please specify page/section and specific concern</i> : Book 2, page 113 – B.1.1WS.3

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

By 2013, the West Sound Watersheds Council, in consultation with the Suquamish Tribe, <u>DNR</u>, and others, will develop and implement periodic surveys of eelgrass....

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

DNR is the state's expert on eelgrass, with an entire unit of scientists charged with annual surveys of eelgrass in Puget Sound. It would benefit both the Watersheds Council and DNR to be coordinated on sampling protocols and other aspects of eelgrass monitoring so that the most leverage can be gained for the benefit of eelgrass recovery in Puget Sound.

- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

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1.	Name: Kathy Minsch		
2.	Agency or Affiliation: City of Seattle, Seattle Public Utilities		
3.	Contact Information: Phone: 206-615-1441 Email: kathy.minsch@seattle.gov		
4.	Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: Other please specify page/section and specific concern:		
5.	. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:		
	Add substrategy B1.2 to the Habitat SI: Support local govts to adopt and implement plans, regs, and policies consistent with protection and recovery targets, and incorporate climate change forecasts.		
6.	Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.		
	This substrategy is critical for implementation of SMPs in particular, including the restoration plans required to be developed as part of the SMP updates but which need funding to implement.		
7.	Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.		
8.	Please describe the consequences of not making the requested change on our ability to		

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1.	Name: Kathy Minsch		
2.	Agency or Affiliation: City of Seattle, Seattle Public Utilities		
3.	Contact Information: Phone: 206-615-1441 Email: kathy.minsch@seattle.gov		
4.	Please identify your concern with the draft (check box): Sub-Strategy please specify number: B2.3 NTA please specify number: 1		
	PSP needs to utilize the information from the good work that has already been done, for example in WRIAs 8 and 9 – the Green Shorelines Guidebook and workshops, the nearshore workshops in WRIA 9, and the EPA funded Green Shores grant for Lake Washington and San Juan which is still underway.		
	Other \square please specify page/section and specific concern:		
5.	. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes: add the phrase "building on work done to date" somewhere in the paragraph		
6.	Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.		
	This NTA reads like it's something new when in fact a lot of work is already being done. PSP should build on this work and then take to the next step, rather than duplicate effort.		
7.	Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.		

It is critical, that not just in this issue but in all of the work of the PSP, that you build upon existing knowledge, experience, data, programs, projects and research. This is particularly important where the initiative comes from part the PSP (in this case through EPA NEP grant money).

8. Please describe the consequences of not making the requested change on our ability to

make progress toward Puget Sound recovery goals in the next 2 to 3 years.

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13. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

Fish Consumption Rates and Sediment Management Standards. In 2012 Ecology will propose draft rule language that will address human health; protect ecological receptors from bioaccumulation; and include feasible freshwater sediment standards and develop reasonable Implementation Tools for meeting Water Quality Standards based on revised human health criteria.

- 14. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.
 - It is important that the Action Agenda recognize technology limitations. While wanting to move forward and make substantive improvements in water quality, regulations can sometimes outpace the capability of techniques to achieve the standards. It would be more effective to have research into areas where technology cannot achieve performance goals, while implementing existing techniques, rather than waste money on lawsuits because standards are not met and jurisdictions and businesses are out of compliance with their permits.
- 15. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

This issue has been identified as a concern in the current fish consumption and standards process. It is unknown whether there will be comments to the Partnership specifically on these strategy and actions.

16. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years. Implementing agencies will focus on legal liabilities rather than testing and working on alternative actions for reducing pollution to Puget Sound.

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1.	Name: Susan Saffery
2.	Agency or Affiliation: City of Seattle, Seattle Public Utilities
3.	Contact Information: Phone: 206-684-8268 Email: susan.saffery@seattle.gov
4.	Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: Other please specify page/section and specific concern:
	Dago 10 addressing Stormwater Dunoff Control Sources of Dollution

Page 10, addressing Stormwater Runoff - Control Sources of Pollution.

This paragraph is oddly written. It should be broken into two, with the second paragraph focusing on climate change and its impact on water pollution. I don't have any substantive comments on that topic.

The first paragraph should include only the first existing sentence, starting "One of...in the first place." Then it should actually address what is sometimes referred to as "true source control", meaning focusing efforts to keep pollutants completely out of the environment. See additional thoughts, below, in #5.

<u>Page 13</u>, Control Sources of Pollution – consider revising key NTA's to include (one or more of) the following:

C1.2 NTA 1: Chemical Alternatives Assessments. By 2013, Ecology will work with the Interstate Chemicals Clearinghouse (IC2) to develop a guidance document on chemical alternatives assessment and, depending on funding availability, will complete assessments of five chemicals to identify safer alternatives.

and

Additional action on the "17 chemicals of concern" identified in the PS Toxic Loading Studies, taking the next steps and build on this existing effort.

and

C1.1 NTA 6: Emerging Contaminants. Ecology and PSP will assemble information on chemicals of emerging concern, in addition to the 17 chemicals of concern in the Puget Sound Toxics Loading Studies, including PBTs, endocrine disruptors, other

chemicals, and nanotechnology and nanomaterials, and will recommend actions to (1) better understand the threats to Puget Sound and (2) address the highest priority problems.

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

The following information is taken directly from the Dept. of Ecology's web site (key points are underlined). Some of this language could be used to complete the "Control Sources of Pollution" paragraph on pg 10.

The more we learn about toxic chemicals, the more we realize that they are everywhere. Toxic chemicals are in our air, water and soil, and in our bodies. Some toxic chemicals pose an immediate health threat. Others gradually build up in the environment and in our bodies, causing disease long after we are first exposed.

Some toxic chemicals impair development, some affect reproduction, some disrupt our body chemistry, and some cause cancer. Of the tens of thousands of chemicals in use today, few have been tested for their effects on human health. And we know even less about the combined effects of all these chemicals. This lack of knowledge makes it hard for us to protect ourselves, and especially our children, who are at greatest risk.

We have good scientific evidence linking environmental exposures to effects on our health and the health of our children. Cancer, asthma, learning disabilities, and other illnesses have been linked to these exposures, and the incidence of many other health problems is also on the rise. We spend billions of dollars annually on the treatment of illnesses caused by environmental pollutants. The best way to prevent these problems is a preventive framework that requires reasonable measures to show that chemicals are safe before they are allowed into widespread commerce.

What Ecology Is Doing About It

Ecology has three ways to reduce toxic threats. We can:

- Prevent toxic chemicals from being used in the first place. Averting toxic exposures and avoiding future costs is the smartest, cheapest and healthiest approach.
- Assist businesses to reduce or manage the amount of toxic chemicals that enter the environment.
- · Clean up after toxics have polluted air, land or water. These are needed but costly solutions to avoidable contamination.

Ecology's initiative to Reduce Toxic Threats is focusing more and more on prevention strategies.

Reducing use of toxic substances in products: Manufacturers usually do not include cleanup or disposal costs when they make product design decisions. As a result, costs for

cleanup and disposal often fall upon the taxpayer. The use of fewer toxic chemicals in products is the surest way to avoid these problems. But in many cases, it is cheaper in the short term for producers to keep using these chemicals.

- Preventing toxic substances from entering stormwater: Stormwater is rain and snow melt that runs off surfaces such as rooftops, paved streets, highways, and parking lots. As water runs off these surfaces, it can pick up pollution such as: oil, fertilizers, pesticides, soil, trash, and animal waste. From here, the water might flow directly into a local stream, bay, or lake. Or, it may go into a storm drain and continue through storm pipes until it is released untreated into a local waterway.
 - 6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

The PSP/Ecology have done a good job over the past several years, working on both legislation (for example, copper in brake pads) and programs to eliminate or limit chemicals or metals of concern. Much more remains to be done, particularly at the federal and state level. The most cost effective way to have clean stormwater is to keep pollutants out, not just devise new and frequently more expensive ways to clean it up once the initial damage has been done.

- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

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1.	Name: Richard C. Honour		
2.	Agency or Affiliation: The Precautionary Group		
3.	Contact Information: Phone: 524.772.1473	Email: rhono@precautionarygroup.org	
4.	Please identify your concern with the draft (check box): Sub-Strategy X please specify number: C 1.1 NTA X please specify number: 8 Other please specify page/section and specific concern:		

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

NTA: Extant and Emerging Contaminants. Ecology and PSP, in collaboration with the ten counties that border and directly impact Puget Sound, plus all of the more than 100 wastewater treatment plants that produce sewage sludges and sewage solids by any name, will develop and provide Accurate Information on the land application of such sludges on forest and agricultural lands, most especially forest and agricultural lands that are subject to rainfall, runoff or seasonal flooding, the waters of which enter soils, ground waters and surface waters in any form, and that drain by such ground and surface waters to Puget Sound. Included in the Accurate Information will be extensive lists of biological, chemical and metal constituents, contaminants and pollutants contained in such sludges and sludge solids, which will include lists of high priority analytes, such as specific pharmaceuticals, pesticides, pathogens, heavy metals, endocrine disruptors, carcinogens, teratogens, mutagens and other chemicals, biochemicals and metals of human, animal and environmental health concern. Ecology and PSP will thereafter publish for the public good a summary of recommended actions to (1) better elucidate the associated threats to Puget Sound by such materials and (2) address the highest priority materials for analysis, disclosure and action.

<u>Performance Measure</u>: By December 2012, Ecology and PSP will publish for public review an outline of a comprehensive plan and timeframe for the termination of the land application of sewage sludge and any form of sludge solids on forest or agricultural lands within the ten counties that border Puget Sound, with the provision that sewage sludges and sewage solids may be land applied to restricted forest lands only so long as they exceed EPA guidelines for Class A sludges and which are evaluated beforehand and proven to be free from contamination by named biological agent pathogens, chemicals,

biochemicals or metals that have been demonstrated to be toxins, toxicants, endocrine disruptors, carcinogens, teratogens, mutagens and the like, that are or may be of human, animal and environmental health concern. By December 2013, Ecology and PSP will publish recommendations for actions to terminate the land application of sewage sludge and any form of sludge solids on forest or agricultural lands within the ten counties that border Puget Sound, subject to the aforesaid provision.

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

The change proposed herein is critical to the overall work effort directed to the restoration and recovery of Puget Sound, and merits our immediate investment as a high priority. The Sound cannot be restored so long as the continuing stream of contaminants and pollutants provided by the more than one hundred sewage treatment plants that surround Puget Sound contribute sewage sludge leachates to the Sound ecosystem through surface and groundwater flows and by flooding of agricultural lands that are the recipients of sludges. There are not any ongoing programs or NTAs that address the critical matter of the landapplied sewage sludges in Cascade forests and on agricultural lands bordering Puget Sound. Leachates from land-applied sludges enter ground and surface waters at rates that remain unknown, primarily because the land application of sludges is episodic, and such applications are never followed by studies of the distribution, flow and fate in the environment, most especially in the ground water environment. The biological consequences of land-applied sludges to forests and ag lands is not investigated, and therefore the consequences remain unknown. While other point sources of contaminants and pollutants are identified and terminated, whereby their contribution to Sound degradation may be revealed, the contribution by land-applied sludge leachates remains unknown.

7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

There is substantial support for the termination of land-applied sewage sludges and septage throughout North America and Europe, with the US trailing behind some EU nations that have already banned such land application of sludges for human health reasons, as well as for environmental considerations. In that Puget Sound represents a principal estuarine habitat essential to multiple life forms, it is a certainty that Puget Sound will be restored and recovered for global benefit, much less for our local good. As Stewards of the Sound, it is our assignment and obligation to end all sources of contamination and pollution, while the world watches. Our support is global, while local and national environmental groups bring the message to the fore. Detractors include those who view alternate methods of sludge disposal as being inconvenient or too costly, mostly as driven by political and industry pressures, not at all by science. It is our job to be responsible Stewards of the Sound, engendering local and global support. The Sound is a global treasure demanding our immediate attention, while improved methods for sludge processing and disposal are being refined.

8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

There are hundreds of thousands of tons of sewage sludge and septage being land-applied to our forest and agricultural lands each year, a large percentage of which leaches and washes to the Sound. Any and all current mitigation, remediation, restoration and recovery efforts are compromised by the endless flow of sludge leachates into the sound. Sludge leachates carry toxic and hazardous materials, and must be subjected to toxicology testing, not to dated and conventional analytical methods that do no more than restate the less than meaningful results from the past. We live in an era of technology-driven science, none of which is applied to sludge leachates that flow to the Sound, the consequences of which are subtle in their apparent impact. Time is of the essence.

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1.	Name: Susan Saffery		
2.	Agency or Affiliation: City of Seattle, Seattle Public Utilities		
3.	Contact Information: Phone: 206-684-8268 Email: susan.saffery@seattle.gov		
4.	Please identify your concern with the draft (check box): Sub-Strategy \sum please specify number: AC 2.1 NTA \sum please specify number: 1 Other \sum please specify page/section and specific concern:		

Watershed Approach to Stormwater:

As you have heard from the AWC and perhaps other cities in previous discussions, we have concerns regarding a possible effort to move towards a watershed approach in stormwater management. In truth, there are many more concrete, fruitful actions that could and should be taken to address stormwater. While we do not oppose the NTA as revised, we are puzzled as to why this NTA would be so highly ranked.

The overwhelming source of funding to address stormwater/NPDES requirements is through utility fees collected by individual cities and counties. There are significant practical, legal and political barriers and concerns about the possibility of shifting funding and/or authority.

- 5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:
- 6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.
- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

8.	Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years			

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5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

Watershed Based Stormwater Management. PSP in consultation with Ecology and with guidance from the Ecosystem Coordination Board and local jurisdictions, will evaluate the feasibility, costs, and effectiveness of expanding the existing, municipal stormwater jurisdiction-by-jurisdiction permit approach, using "general permits," to include additional watershed-based municipal stormwater management practices. PSP will complete the evaluation and provide to Ecology for consideration by February 2013.

- 6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.
- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly. Yes, it is likely that other cities will have similar concerns about becoming liable for another jurisdiction's actions under a watershed-based NPDES permit.
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years. Implementing agencies will focus on legal liabilities rather than testing and working on alternative actions for reducing pollution to Puget Sound.

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1. Name: Phyllis Varner

2. Agency or Affiliation: City of Bellevue

3. Contact Information:

Phone: 425-452-7683 Email: pvarner@bellevuewa.gov

4. Please identify your concern with the draft: Pollution Source Control

Sub-Strategy: C2.4

NTA: 1

Other \square *please specify page/section and specific concern:*

- 5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure: Replace the Compliance Assurance Program (C2.4 NTA 1) action with PAH and PFOS Chemical Action Plans (C1.1 NTA 1) and Mercury Lamp Product Stewardship (C1.1 NTA 2) actions in the Control Sources of Pollution key-strategy.
- 6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

It is important that the Action Agenda recognize technology limitations and the fact that state and federal actions to remove pollutants sources from the pollutant stream results in statistically significant improvements in water and sediment quality in a relatively short period of time (2 to 10 years). It is one of the most, if not the most, environmentally effective actions that can be taken to prevent pollution from urban stormwater runoff and should be highlighted in the key strategies. For example, the federal government's reduction of lead in gasoline resulted in statistically significant improvements in water and sediment quality documented by numerous studies (USGS, City of Bellevue, etc.). The USGS sediment cores showed lead concentrations decreasing immediately after the federal action was taken (prior to the action, they had been steadily increasing). The Bellevue water quality study reviewed storm and baseflow lead concentrations before and after a 10 year period of time and documents a statistically significant improvement over other parameters tested.

[Citations: U.S. Geological Survey. 2001. Selected Findings and Current perspectives on Urban and Agricultural Water Quality by the National Water-Quality Assessment Program. U.S. Department of the Interior, Washington, D.C. http://pubs.usgs.gov/fs/fs-047-

<u>01/pdf/fs047-01.pdf</u>. City of Bellevue. 1995. Characterization and Source Control of Urban Stormwater Quality Bellevue, WA.]

The <u>Compliance Assurance Program</u> is duplicative of the proposed <u>NPDES Municipal Permits</u> (C2.2 NTA 1) actions under Prevent New Problems key strategy. For example, the NPDES Municipal Permits action includes increased inspection, technical assistance, and enforcement programs for businesses and construction sites.

- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
 - No, the Compliance Assurance Program refers to Ecology and local governments so the NPDES Municipal Permits program would be duplicative of this action.
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

 Anticipate less successful and slower improvements in water and sediment quality, expending funds on actions that have less "bang for the buck" in terms of water and sediment quality improvements, missed opportunity to highlight importance of removing pollutant sources in near-term key strategies and actions.

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1.	Name: Kathy Minsch		
2.	Agency or Affiliation: City of Seattle, Seattle Public Utilities		
3.	Contact Information: Phone: 206-615-1441 Email: kathy.minsch@seattle.gov		
4.	Please identify your concern with the draft (check box): Sub-Strategy x please specify number: C2.4 NTA x please specify number: #2 Other please specify page/section and specific concern:		
5.	. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:		
The NTA on Vehicle Leaks should be added to the Stormwater Strategic Initiati			
6.	Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.		
	Stopping vehicle leaks from contaminating Puget Sound is a top priority for Ecology, and work will be starting soon on this NTA. Ecology has awarded grants to Seattle's to create and expand the Auto Maintenance Program (AMP) and to King County of behalf of STORM to develop and implement a Puget Sound wide program for people to fix vehicle leaks. This NTA to create a vehicle leak inspection and elimination program would take it to the next level.		
7.	Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.		

8. Please describe the consequences of not making the requested change on our ability to

make progress toward Puget Sound recovery goals in the next 2 to 3 years.

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1.	Name: Laura Hendricks		
2.	. Agency or Affiliation: Sierra Club-Marine Ecosystem Campaign-Washington State		
3.	Contact Information: Phone: (253) 509-4987	Email:	Laura.L.Hendricks@gmail.com
4.	Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: Other: Shellfish Section and NTA 3 please specify page/section and specific concern:		

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

NTA 3-Additional language needs to be added in the PSP Action Agenda Summary Book 1, not just in Book 2:

Shellfish aquaculture expansion can permanently convert habitat and reduce natural biodiversity. Methods, densities, species and cumulative impacts must be considered when determining if expansion should be approved.

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

The Action Agenda is supposed to be science based, not used as a tool to promote one industry over others. The shellfish section mixes the importance of existing "shellfish beds" with the need to eliminate fecal bacteria to then promote shellfish aquaculture expansion to enrich one specific industry at the expense of others. It is stakeholders who work to improve water quality, not the placement of millions of unnatural densities of shellfish that bring with them other adverse impacts. Restoration of natural densities of native shellfish is an admirable goal, industrial aquaculture expansion is not.

Each new acre of shellfish aquaculture that uses industrial methods like clearing the shoreline of natural debris, purging the shorelines of natural shellfish, moonsnails, sand dollars etc. and liquefying the beaches changes the natural biodiversity. The depletion of Fisheries Resources as the shellfish consume fish eggs, fish larvae, crab zoes, etc. threatens already suppressed populations. The addition of tons of either PVC tubes, plastic nets, plastic net bands and plastic oyster bags are point source pollution and are inconsistent with the goals of the Action Agenda. All of these impacts have been well documented with

leading scientists providing their opinions, yet the Puget Sound Partnership continues to act as a free taxpayer funded promotion arm of the shellfish industry.

All of this documentation has been provided since 2007 to the PSP staff along with hundreds of letters, emails and phone calls from concerned citizens throughout South Puget Sound. Citizens hear the PSP recite their action goals as they look out their windows and see their treasured aquatic wildlife eliminated in these new permanent aquaculture sites so the growers can maximize their profits with their industrial practices.

Even on page 30 you state: "On-site sewage systems, wastewater treatment plants, marinas, animal-keeping activities, and wildlife can negatively impact water quality through direct discharges to Puget Sound or stormwater runoff that flows to the Sound." The "wildlife" is what makes Puget Sound what it is known for, so now you leave it up to a handful of shellfish corporations to determine what aquatic life lives and dies? Unfortunately, the PSP promotion of this industry helps industry eradicate the very aquatic life you are charged to protect. See this long list of species on page 27 at: http://washington.sierraclub.org/tatoosh/Aquaculture/OR-WAbivalvePMSP.pdf

The shellfish industry already has over 29,557 acres in Willapa Bay/Grays Harbor, 4,748 acres in South Puget Sound, 1,677 acres in Hood Canal and 2,345 acres in North Puget Sound—a total of 38,327 acres. How many acres is enough to permanently convert to monoculture aquaculture?

For more information that backs up our request visit: <u>http://washington.sierraclub.org/tatoosh/Aquaculture/index.asp</u>

7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

The shellfish industry enjoys the free marketing for expansion by the Governor's office, Department of Ecology and the Puget Sound Partnership; so, yes those companies who practice industrial aquaculture oppose our efforts to protect our aquatic species.

8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

How can you have a healthier Puget Sound by dictating 10,800 more acres that are now natural habitat will be permanently converted to monoculture aquaculture farming resulting in a net loss of natural aquatic species? How can you achieve a net increase in eelgrass when industry targets those areas for expansion and wants to plant adjacent to the eelgrass allowing degradation and nowhere for the eelgrass to expand? How are you improving water quality when according to the Clean Water Act it is to promote the health of all aquatic species life cycles—not just shellfish production? How are Puget Sound waters healthier with tons of degrading toxic PVC and microplastics from their nets etc? How are you going to now challenge the shellfish industry proposal to eradicate Japanese eelgrass with aerial herbicide spraying in both Willapa Bay/Grays Harbor and Puget Sound when you continue to support their expansion plans despite the adverse impacts?

Since the shellfish industry goal is to export more shellfish commodities as they eliminate native species, how does this benefit Washington taxpayers when the industry will pay no export taxes, no sales taxes, less than \$15 of property taxes per acre, minimal working wage jobs and uses massive amounts of free state and county staff time?

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Name: Naki Stevens
Agency or Affiliation: WA DNR
Contact Information: on file Phone: Email:
Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: Other x please specify page/section and specific concern: Appendix C page 549, Ecology
be the owner of NTA C.7.3.4, and DNR should be secondary
What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure: Make Ecology the owner and DNR secondary of C.7.3.4

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

As DNR has previously commented to PSP, this is not DNR's role. Ecology is currently including this modeling in the South Sound Dissolved Oxygen Study. DNR would be the authorizing entity and would be pleased to collaborate and support Ecology's lead, based on their study.

- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

July 10, 2012

Martha Kongsgaard, Chair Puget Sound Partnership Leadership Council 326 East D Street Tacoma, WA 98421

Dear Ms. Kongsgaard:

The San Juan Local Integrating Organization would like to congratulate the Puget Sound Partnership (PSP) on the completion of the revised draft of the 2012 Action Agenda, and thank you for the opportunity to contribute and participate in its development. We appreciate the efforts of the PSP staff, governing boards, and all those involved who sought to improve this document.

Overall, we commend the improvement in the strategies, priorities, and actions identified within Books 1 and 2. We particularly appreciate the focus on habitat protection and the sub-strategies identified and prioritized in Appendix G of Book 2: Rankings of Action Agenda Section "B" Sub-Strategies. We also appreciate and fully support the focus on Chinook salmon recovery in Book 1 and Appendix G of Book 2: Rankings of Action Agenda Section "A" Sub-Strategies. Salmon are a cultural mainstay, keystone species, and primary food source for the resident endangered Orca whale population.

Our outstanding concerns, that we hope will be addressed prior to adoption in August, include the following (please see attached comment form for specific proposed language):

- Improve water quality and sediment standards to protect public health based on new data on fish consumption rates.
- Provide a funding stream to address stormwater runoff and water quality degradation in rural counties with urbanized areas.
- Improve streamlining of funding for priorities identified by Local Integrating Organizations.
- Increase implementation and enforcement of existing and updated oil spill prevention regulations.
- Include oil spill prevention strategies and derelict vessel enforcement in the protection and recovery of shellfish beds section in Book 1.
- Ensure that academic programs focused on sustainable water use and stormwater management are available to all Puget Sound Counties.

Thank you for consideration of our concerns. We look forward to continued collaboration in our shared work to recover and protect the vital resources within our marine environment.

Sincerely,



San Juan County Action Agenda Oversight Group

Action Agenda 2012 Update – Fatal Flaw Review

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1.	Name: Linda Lyshall
2.	Agency or Affiliation: San Juan County Local Integrating Organization
3.	Contact Information:
	Phone: 360-370-7592 Email: lindal@sanjuanco.com
4.	Please identify your concern with the draft (check box): Sub-Strategy \square please specify number: NTA \boxtimes please specify number: C1.1 NTA#3, C2.1 NTA#1, C2.5 NTA#2, C7.1 NTA#4, C8.3 NTA#1, E1.3 NTA#3 Other \square please specify page/section and specific concern:
5.	What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure: C1 1 NTA#3: Fish Consumption Rates, Water Quality and Sediment Management

C1.1 NTA#3: Fish Consumption Rates, <u>Water Quality</u> and Sediment Management Standards. In 2012 Ecology will propose <u>draft</u>-rule language <u>that willto</u> address human health; protect ecological receptors from bioaccumulation; and include <u>freshwater</u> sediment standards; and develop Implementation Tools <u>for meetingto meet</u> Water Quality Standards based on revised human health criteria.

C2.1 NTA#1: Watershed Based Stormwater Management. PSP in consultation with Ecology and with guidance from the Ecosystem Coordination Board, will evaluate the feasibility, costs, and effectiveness of expanding the existing, municipal stormwater jurisdiction-by-jurisdiction permit approach, using "general permits," to include additional watershed-based municipal stormwater management practices in urban and rural areas. PSP will complete the evaluation and provide to Ecology for consideration by February 2013.

C2.5 NTA #2: [WHO] develops a near-term plan to provide sustainable water resource management academic curriculum, in all Puget Sound counties, for academic course work, for future stormwater professionals, that is inclusive of including tribal treaty rights, history and civics, for future stormwater professionals that and emphasizes continuing improvements in stormwater management in the context of the larger issues of sustainable water resource management and climate change.

New Soundwide NTA Proposal:

C7.1 NTA#4: Prevent ecosystem degradation through oil spill prevention by enforcing existing oil spill prevention and derelict vessel regulations and revising legislation and rules where necessary to meet objective.

Ownership: DNR, Ecology, and Local

Targets:

- 100 percent vessel registration compliance.
- Improved ability of DNR to remove derelict vessels in a timely fashion.
- Increased compliance will regulations related to shipping traffic.
- C8.3 NTA#1: WAC 173-182 Revision to Achieve Protection from Spills. Revise WAC 173-182 to conform with HB1186 from the 2011 session, requiring the best achievable protection from the impacts of oil spills₁, and ensure implementation and enforcement of existing and updated oil spill regulations.
- 6.—E1.3 NTA #3: State Funding. PSP will work closely with state, local and private partners to pursue state legislation or other mechanisms to provide adequate funding, and to give preference to Local Integrating Organization priorities in the state Lead Organization funding priorities evaluation, scoring criteria, and allocation decisions for critical water quality and habitat protection and restoration programs through June 2014.
- 7.6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.
 - C1.1 NTA#3: Fish are a primary food staple within Native American cultures. With the current level of contaminants found in Puget Sound fish and the higher average consumption rate for Native American populations, there is an increased human health risk for Native Americans, and all other populations who utilize Puget Sound fish as a subsistence food source.
 - C2.1 NTA#1: Urbanized areas within some rural counties that might be experiencing water quality degradation from stormwater runoff do not have access to adequate funding to address these concerns.
 - C2.5 NTA #2: Educating our future natural resource managers in a comprehensive manner will contribute to creating sustainable change.
 - C7.1 NTA#4: Oil spills and water quality degradation caused by derelict vessels is a large and growing problem and needs to be addressed at a larger and more comprehensive scale.
 - C8.3 NTA#1: The resident endangered Orca whale population could be seriously jeopardized by a major oil spill, as would other marine species, the local community, and economy of any and all areas affected.
 - E1.3 NTA#3: Priorities identified by Local Integrating Organizations are not being consistently or systematically considered in development of funding priorities or in evaluation criteria through the Lead Organization funding process.
- <u>8.7.</u>Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
 - C1.1 NTA#3: We anticipate support from the majority of the participants involved in Puget Sound Recovery and the general public. We anticipate opposition from industries that continue to pollute the marine waters.

- C2.1 NTA#1: We anticipate support from all rural counties with urban areas that are experiencing similar concerns.
- C7.1 NTA#4: We anticipate strong local support and support from DNR.
- C8.3 NTA#1: We anticipate tremendous support from the vast majority of the Puget Sound community. We anticipate opposition from the coal and oil industry and the shipping industry.
- E1.3 NTA#3: We anticipate support from federal funding partners and all Local Integrating Organizations.
- 9.8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.
 - By not addressing these concerns now, progress in reaching recovery goals will be slowed, and might result in worsening existing conditions.

Action Agenda Amendment Request

Please provide responses to all of the following questions for each additional NTA or change to an NTA that you suggest. We encourage participants to focus changes on major flaws or content gaps. All requested changes to NTAs and additional NTAs proposed will be posted online at www.psp.wa.gov and made available for review and comment.

All suggested amendments are due no later than June 22, 2012. Please send a completed form for each proposed change to actionagenda@psp.wa.gov.

1.	Name: Alana Knaster
2.	Agency or Affiliation: PSP
3.	Contact Information: Phone: 464-1217 Email: Alana.Knaster@psp.wa.gov
4.	Is this a new NTA or an amendment to an existing NTA? <i>(check box)</i> New
5.	Identify the existing NTA. (example: A1.1 NTA1) If proposing a new NTA, identify the substrategy it falls under: (example: A1.1 Identify and prioritize areas for protection, restoration, and best suitable for [low impact] development)
	D1.2.1 Establish Interim Milestones
6.	Proposed new or amended language for the NTA:
	None – new milestones only
7.	Should the NTA's owner or performance measure change as a result of this proposed amendment? Yes X No
	If yes, describe new or amended owner and performance measure.
	Date changes as follows:
	In July 2012, confer with ECB regarding design of the process and composition of workgroups. August, 2012, confer with Leadership Council regarding schedule and process. October 2012, Initiate interim milestone review process. 25% complete by February 2013; 50% complete by June 2013; 75% complete by Sept. 2013; 100% complete by November 2013.
8.	Explain your rationale for this amendment. If proposing a new NTA, describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound

Performance milestones off-target because of delay in adoption of Action Agenda

recovery goals.

9. Do you anticipate any particular support or opposition/concern related to the amendment? If so please describe briefly.

No

10. Describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals.

We will be consistently off-plan

Action Agenda Amendment Request

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All suggested amendments are due no later than June 22, 2012. Please send a completed form for each proposed change to actionagenda@psp.wa.gov.

1.	Name: Alana Knaster
2.	Agency or Affiliation: PSP
3.	Contact Information: Phone: 464-1217 Email: Alana.Knaster@psp.wa.gov
4.	Is this a new NTA or an amendment to an existing NTA? <i>(check box)</i> New
5.	Identify the existing NTA. (example: A1.1 NTA1) If proposing a new NTA, identify the substrategy it falls under: (example: A1.1 Identify and prioritize areas for protection, restoration, and best suitable for [low impact] development) D3.1.1
6.	Proposed new or amended language for the NTA: Delete
7.	Should the NTA's owner or performance measure change as a result of this proposed amendment? Yes \square No x \square
	If yes, describe new or amended owner and performance measure.
8.	Explain your rationale for this amendment. If proposing a new NTA, describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals. Already at first milestone and no longer relevant. We will be doing it anyway
9.	Do you anticipate any particular support or opposition/concern related to the amendment? If so please describe briefly.
10.	Describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals. None in particular.

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1.	Name: Dominga Soliz
2.	Agency or Affiliation: Recreation and Conservation Office
3.	Contact Information: Phone: (360)725-3937 Email: Dominga.Soliz@rco.wa.gov
4.	Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number:E1.2.1 Farm Bill and Water Quality: PSP will work with NRCS and Partners to identify and increase funding to Puget Sound through the Farm Bill to improve water pollution prevention efforts and habitat protection and restoration efforts in rural areas in this biennium. Partners will also develop a system to identify and track both the need and completed requests for these programs in the RCP PRISM database Performance Measure: Meet with federal and state partners on a quarterly basis to direct Partner funds to strategic areas and collaborations; Follow up and facilitate if needed the efficient allocation of funds to the on-the-ground efforts of the agricultural community with a target to allocate funds in each calendar year. Specific funding levels will be identified by September 2012, and added to the performance measure Other please specify page/section and specific concern:
5.	What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure: We need to confirm that the PRISM database mentioned in this NTA is not the RCO PRISM database. (We suspect it is referring to the NRCS PRISM database.)
6.	Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals. We have not been involved in developing this NTA. RCO does not track water pollution or agricultural data.
7.	Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly. We do not expect any opposition.

8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years. We are asking for a clarification about the NTA.

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1.	Name: Dominga Soliz
2.	Agency or Affiliation: Recreation and Conservation Office
3.	Contact Information: Phone: (360)725-3937 Email: Dominga.Soliz@rco.wa.gov
4.	Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: E1.3.2 Puget Sound Acquisition and Restoration Fund. PSP, in collaboration with the Salmon Recovery Council and RCO, to craft and lead outreach strategy to renew and increase Washington state's Puget Sound Acquisition and Restoration Fund with goal of securing state match towards goal of fully funding the Puget Sound Chinook Salmon Recovery plan at \$120M per year by December 2014. Performance Measure: By October 2012 hold 4 meetings and briefings or field visits with key decision makers to educate them about Puget Sound acquisition and restoration opportunities and the funding levels needed to do the work
	Other \square please specify page/section and specific concern:
5.	What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure: Puget Sound Acquisition and Restoration Fund. PSP, in collaboration with the Salmon Recovery Council and RCO, to craft and lead outreach strategy to renew and increase Washington state's Puget Sound Acquisition and Restoration Fund with goal of securing state match towards goal of fully funding the Puget Sound Chinook Salmon Recovery plan at \$120M per year by December 2014. Owner (3): RCO
6.	Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

While RCO is glad to provide input to PSP on this NTA, we do not want to be a co-lead on an outreach strategy. The Governor's Salmon Recovery Office, supported by RCO, is charged with coordinating statewide salmon recovery and does not lead regionally-focused outreach efforts.

- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

 No opposition is expected.
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years. We are asking for a clarification about the NTA.

There should be no consequence on progress toward recovery.

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1.	Name: Amy Ockerlander
2.	Agency or Affiliation: Snohomish County, Surface Water Management
3.	Contact Information: Phone: 425-388-6428 Email: amy.ockerlander@snoco.org
4.	Please identify your concern with the draft (check box): Sub-Strategy \square please specify number: NTA \boxtimes please specify number: E1.4 NTA 1: Local Funding Mechanism Other \square please specify page/section and specific concern:

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

PSP, working with the ECB funding committee, will lead the development of a legislative strategy by October 2012 to adopt a funding mechanism, which local governments around the Sound could elect to use to address Puget Sound recovery priorities.

Performance measure: PSP to convene a subcommittee of the ECB to form the coalition and develop a work plan that uses data on costs for Action Agenda implementation, funding gaps and will result in new proposals to fill funding gaps and efficiently use current financial resources. (October 2012); PSP, ECB and coalition members review funding needs for an integrated package of stormwater, habitat, flooding and erosion control and other water quality investments needed to carry out the Puget Sound recovery priorities and make recommendations regarding the establishment of additional funding mechanisms (consider scale, capacity of different mechanisms). Review and recommendations should build on research and recommendations from Central Puget Sound WRIAs regarding watershed-based funding mechanisms. The Executive Director of PSP should present recommendations to the Leadership Council in June 2012. (June 2012); Build support for and introduce any legislation recommended in June 2012 in the 2013 legislative session by November 2012.

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

Flood and erosion control are critical elements of water quality and salmon recovery. Not including them specifically risks any potential funding mechanism leaving out these important projects as an allowed use of funds.

- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

 No
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

 If flooding and erosion control projects are not adequately funded water quality issues will be much more difficult to remedy with other solutions on the table.

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1.	Name: Krista Mendelman
2.	Agency or Affiliation: US EPA Region 10
3.	Contact Information: Phone: 206-553-1571 Email: Mendelman.Krista@epa.gov
1.	Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: Other xx please specify page/section and specific concern:
	Each of the Strategic Initiatives

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

These comments first come with a question. Who is the audience for this document? Gerry addresses the document to "Puget Sound Neighbor" however, when on page 30, the document says "When the public... they..." If there is an expectation that the public would be one of the audiences then I suggest each strategic initiative include two or three Near Term Actions that the public, "you", can take to help address the problem. You could put those at the top of the Key Strategies and Actions section. Some suggestions for recommendations are below and you could provide links for more information.

Stormwater- Fix leaks on your car or use natural personal care products (addresses source control/toxic load and Gerry's letter mentions them), replace some of your lawn with native trees and plants (addresses hydrology), consider living in a more dense area where you need your car less.

Habitat – Stream side landowners - Don't mow to the edge of stream – keep a buffer. Marine property owners – consider replacing your bulkhead with soft armoring. Talk to your political officials about what you think is important for Puget Sound.

Shellfish – Get your septic system pumped every 3 years or less. Clean up after your pet.

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please

describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

<u>If</u> the public is an audience, it is important for them to know that the actions in Book 1 and 2 are not enough to save Puget Sound. Saving Puget Sound includes the individual acts of each person living in the basin.

7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

No

8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

Maybe no consequences but a missed opportunity to remind us all that everyone contributes to the problem, everyone needs to be part of the solution. Government can't fix the problem by itself.

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1.	Name: Scott Powen
2.	Agency or Affiliation: City of Seattle, Seattle City Light
3.	Contact Information: Phone: 206-386-4582 Email: scott.powell@seattle.gov
4.	Please identify your concern with the draft <i>(check box)</i> : Sub-Strategy x please specify number: NTA x please specify number: Other please specify page/section and specific concern:

Mama, Caatt Darvall

Page 1. It would be very helpful if the documents began by drawing the general distinctions between marine and freshwater habitat, and between salmon recovery and the broader task of Puget Sound recovery – followed by the acknowledgement that PSP and the AA are designed to address all components of the ecosystem, as a team effort among many players and programs.

Page 2. Under "healthy economy", the data for the value of our fisheries should be recast in some way to highlight the low level of tribal catch and economic benefit. This is key to the Treaty Rights at Risk critique. It is addressed somewhat under the habitat initiative, but should be highlighted here.

Page 3. This fairly large amount of funding should be put in some additional context. Can you provide some functional breakdown of where this money comes from and what it represents?

Page 15. Comparing tables 1-3, last 2 columns need consistency or clarification. For 1&3, NTA Type= "Soundwide" for all entries contains no useful information, and "secondary owner" is unclear without "primary owner". Table 2 is the better approach.

Page 17. The population growth numbers do not seem credible. PSRC Draft 2012 forecast for the 4 central Puget Sound counties shows a 10.3% increase from 2010 to 2020. That leaves a lot folks moving to Lynden and LaConner! The continued projection of very large population increases is not necessarily a helpful message. With continued regional economic challenges, it's not a certainty. Perhaps it also is not inevitable, if we were to take seriously the notion that growth pays for growth and net loss of habitat is not acceptable. Finally, the characterization that this influx is both large and inevitable is a negative message that undermines confidence that we can actually restore Puget Sound and its salmon populations.

Page 17. The statement that 4 of 8 salmon species are listed is inaccurate. Bull trout is a salmonid, but not typically considered a salmon species. Hood Canal summer chum are listed, but there are other ESUs of chum not listed. Please check this with salmon experts. Otherwise the description of degraded condition is good and compelling.

Page 18. The paragraph on flow impacts greatly oversimplifies. Please consider using the following more balanced text:

Natural processes of stream flow and water retention have been disrupted. One of the most fundamental and obvious things that aquatic life needs to survive is water – cool, clean water in the right amounts and the right times. Sometimes, there is not enough water to go around. Other times, stream habitat is impacted with too much water flowing too quickly. In many rivers and streams across Puget Sound - where people divert surface flows or extract groundwater, and where land uses have damaged natural water storage capacity – fish and aquatic life are threatened.

Page 24. As to readability, the second full sentence under "Implement ... Workplans" starts badly and barely recovers over 8 full lines. Please recraft?

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1.	Name: Krista Mendelman		
2.	Agency or Affiliation: US EPA Region 2	10	
3.	Contact Information: Phone: 205-553-1571	Email:	Mendelman.Krista@epa.gov
4.	Please identify your concern with the Sub-Strategy \square please specify number NTA \square please specify number: Other $\square xx$ please specify page/section	r:	,

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

In addition to the pollution delivered by stormwater, I suggest that you also address the hydrologic impacts of stormwater. You could say something like (feel free to edit to the writing style of Book 1)...

Extensive research shows that where development is located, how much development occurs and what practices are used greatly impacts our streams, rivers and marine waters. Developing land can increase impervious cover, roads, and stream crossings, and can lead to harmful land-clearing practices. The result is excessive stormwater that runs off the land, before it is absorbed, scouring rivers and streams. Without a reserve of water in the ground and wetlands to feed a stream, fish are left with little or no water during dry summer months.

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

The hydrologic impacts are as important and pervasive as the toxic impacts of stormwater.

7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

No

8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

Given that stormwater is one of the three strategic initiative priorities, we should make sure that we get the problem statement correct, otherwise our efforts to actions may be be mis-aligned with the actual problems that we are trying to correct. PSP, through the Action Agenda, needs to be clear in demonstrating that it understands that the impacts of stormwater also include hydrologic impacts and that these impacts pose a significant concern.

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1. Name: Phyllis Varner

2. Agency or Affiliation: City of Bellevue

3. Contact Information:

Phone: 425-452-7683 Email: pvarner@bellevuewa.gov

4. Please identify your concern with the draft:

Sub-Strategy:

NTA:

Other X – see page 10, 2^{nd} paragraph of the July 2 Draft Book 1 Action Agenda for Puget Sound

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

This section of the Action Agenda includes the statement that "The implementation of NPDES permits is the most cost-effective way to prevent pollution from reaching Puget Sound." ." Is there an economic analysis to support this statement? For example, removing pollutant sources from the pollutant stream may be more cost effective and result in greater, faster, more long-lasting improvements to water and sediment quality than the NPDES permits.

Unless an economic analysis of alternative ways to prevent pollutants is available to support this statement, recommend revising the statement to "The implementation of NPDES permits is considered one of several cost-effective ways to prevent pollution from reaching Puget Sound" or something along those lines.

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

See response to question #5 and this editing would be consistent with 4 key ideas that the Action Agenda is built upon.

- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
 - No, do not anticipate any particular concern related to this change. Comment is consistent with Action Agenda's four key ideas.
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

This may be a misleading statement that could lead to errors in prioritization of actions.

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	10.	Agency or Affiliation: WA DNR
	11.	Contact Information: on file Phone: Email:
rel		Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: Other x please specify page/section and specific concern: page 11, Book One. Targets at to stormwater do not include eelgrass.
	13.	What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure: Add eelgrass to the targets relevant to stormwater. DNR has requested this change several times in writing.
	14.	Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please

describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

improving water quality is the essential action necessary to achieve the eelgrass target of a 20 percent increase by 2020.

15. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

No one will oppose. It is based on science.

9. Name: Naki Stevens

16. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

Reduces credibility of PSP and AA not to recognize that water quality improvement is essential to eelgrass recovery.

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9.	Name: Dominga Soliz
10.	Agency or Affiliation: Recreation and Conservation Office
11.	Contact Information: Phone: (360)725-3937 Email: Dominga.Soliz@rco.wa.gov
	Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: Other X please specify page/section and specific concern: Book 1, pgs. 17-29. Habitat Strategic Initiative

13. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

The Habitat Strategic initiative needs to include Invasive Species prevention and eradication. Specific recommended language is at the end of this document.

14. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

The need for an invasive species strategy in the Action Agenda strategic initiatives A joint position from the Washington Departments of Agriculture, Ecology, Fish and Wildlife, Natural Resources, and the Recreation and Conservation Office

An invasive species strategy must be included in the action agenda's strategic initiatives section. Preventing and wiping out invasive species is critical to the Partnership's strategic initiative to protect and restore habitat for salmon recovery, as well as the long-term conservation of all native ecosystems in Puget Sound. Invasive species can undo salmon recovery efforts and threaten critical water-dependent industries, such as shellfish. The introduction and spread of these species – including but many more than knotweed – have been likened to an oil spill in the amount of environmental damage they can wreak, but, with invasive species, the frequency of events is greater and footprint of impact spreads over time.

Threats and Impacts: Invasive species threaten all types of ecosystems, displace native species, disrupt ecosystem function, and cause significant economic impacts. Some specific examples are:

• The invasion of knotweed along river banks leads to fewer trees and large woody materials that provide habitat for salmon, hotter water temperatures that make rivers inhospitable to salmon, loss of insects that salmon rely on for food, and sediment erosion that can smother salmon eggs. Knotweed spreads fast in riparian areas, and current management efforts are not keeping up with the invasion.

The Salmon Recovery Funding Board's own review panel recommends funding invasive knotweed removal projects to ensure the long-term sustainability of salmon habitat improvements. It recognizes that invasive species can undo investments made in salmon habitat preservation and restoration.

- Studies show that nearly 70 percent of marine invasive species are the result of
 vessel ballast water discharge and biofouling. The Puget Sound region is a large
 international shipping hub with over 3,400 vessel arrivals annually that discharge
 7.7 million cubic meters of ballast water. This, in addition to being a large
 recreational watercraft destination, makes the Puget Sound a high-risk for the
 introduction of invasive species.
- In our freshwater ecosystems, zebra and quagga mussels pose the most significant threat to salmon populations, healthy ecosystems, and recreation. These filter-feeders form huge colonies that effectively have <u>crashed the food web</u>, decimating fish populations in the Great Lakes and lower Colorado River ecosystems. In the five years that quagga mussels have invaded Lake Mead, more than 1.5 trillion adults and 320 trillion microscopic mussel larvae now populate the lake. That's 80 to 160 quaggas for every gallon of water. This could happen in Puget Sound lakes and rivers.
- The ecological and economic threat of gypsy moth has been made abundantly clear from the experiences of the northeastern U.S., where it is now permanently established. The Puget Sound basin is under continuous onslaught via introductions in household goods and freight from the east coast and on international shipping into several Sound ports. Monitoring for introductions and eradication of new populations here has stopped establishment of the insect and its relatives, preventing consequences such as reduced biodiversity in native insect and plant communities, physical harm to a wide variety of native plants, increased temperatures and decreased water quality in streams and river systems. The U.S. Department of Agriculture estimates that the cost of gypsy moths has averaged \$30 million per year for the past 20 years.
- We learned from the invasion of Spartina in our coastal estuaries that invasive species do not go away on their own, and, in fact, will expand until they cost the state tens of millions of dollars to address. In Willapa Bay and Puget Sound, what

began as a few small patches of plants expanded over 30 years into an over 10,000-acre infestation that converted once-productive mudflats into Spartina meadows and threatened a major industry.

• In our marine waters, there are invasive tunicates, green crab, salmon viruses – and now entirely new marine and estuarine species coming from Japanese tsunami debris, including the invasive marine algae, *Undaria*, that has taken over large portions of San Francisco Bay. In all ecosystems, including beneath the surface of the water, invasive species outcompete and displace native species. If we are serious about restoring Puget Sound, then we must consider the health of the entire ecosystem.

Prevention: There are invasive species in our marine waters, but fortunately not yet as many as in San Francisco Bay or the Great Lakes. We can learn our lesson from the mistakes made in these systems or let history repeat itself. The only way to ensure that Puget Sound stays relatively un-invaded is to continue making investments in prevention. Even small investments made today have the power to give huge returns in the future. For example, a recent report to the Washington Invasive Species Council indicated that many residents of Puget Sound are importing exotic shellfish (ordered off the Internet) and planting them on their tide flats. This practice, known as shellfish gardening, will bring new diseases and invasive species to our waters and could have severe consequences to the shellfish industry and other native biota. Through education, and possibly regulation, we could curb this practice. This is one of many pathways of invasive species introduction and spread that has the potential to derail recovery of the Sound.

This is an issue we can do something about: Preventing and rapidly responding to invasive species is work that does not require lengthy regulatory reform, will save millions of dollars, can be used to rally local communities, and will show immediate results. There already exists a broad array of concerned citizens and interested stakeholders, including the tribes, industry, environmentalists, recreation groups, and all levels of government.

Puget Sound Partnership Prioritization Process: The Partnership's prioritization process ranked the invasive species sub-strategy as the second most important sub-strategy and changed it to number six under Habitat. However, while it ranked high in the process, other sub-strategies that actually ranked lower then were included in the strategic initiatives. Further, the interest of invasive species prevention and eradication was not adequately represented by the ECB habitat strategic initiative subcommittee. Although it was made clear through state caucus discussions, private discussions and emails, and in several letters to the Partnership that inclusion of invasive species is a priority, this priority was not represented by our agency representatives to the ECB subcommittee. In a state caucus meeting to review the results of the first prioritization efforts, RCO specifically requested the state agency ECB representatives relay our support of invasive species as top priority to the ECB. However, in the July 2012 state caucus meeting, we were informed

that the topic of invasive species never arose in the ECB habitat strategic initiative subcommittee meetings. We ask that you reconsider the priorities and include the invasive species sub-strategy in the Action Agenda's strategic initiatives section.

- 15. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
 - Inclusion is supported by the Washington Recreation and Conservation Office, Washington Department of Agriculture, Washington Department of Ecology, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, and the Washington Invasive Species Council.
- 16. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years. We are asking for a clarification about the NTA.

 See Threats and Impacts in Item 6 above.

Specific Language Recommended for Inclusion in Book 1

On Page 18, after Oil Spill paragraph add:

We are threatened by invasive species. Significant threats to habitat include the possibility of a major oil spill in Puget Sound. Memories of the impacts of the Exxon Valdez spill in Alaska or the more recent Deepwater Horizon spill in the Gulf are illustrations of how one event can cause major long-lasting impacts to habitat and the economic productivity of a region. There are over 20 billion gallons of oil and other hazardous chemicals that are being transported through Washington State every year. With this much volume the threat of a major spill is very real if prevention measures are not implemented.

On page 22 (highlighted text is recommended for addition)

There is unanimous agreement that to be successful we must first stop the further loss of habitat. It is not effective or efficient to allow the continued loss of habitat while we try to repair the damage in other places. This initiative brings forward strategies and actions that address both increasing regulatory protections for habitat and providing greater incentives for landowners to protect valuable habitat. Our biggest challenges in habitat protection are the lack of widespread public understanding of the significance of habitat loss, the lack of strong public support for the regulatory changes necessary to protect habitat, and the need for greater incentives for landowners to voluntarily protect valuable habitat. Previous attempts to strengthen protective regulations and to work with landowners on a voluntary basis have been difficult to implement because of these challenges. We must find a way to address regulatory exemptions that allow the continued degradation of habitat. This is one of the reasons that the Habitat Strategic Initiative subcommittee emphasized that an overarching outreach strategy and an overarching funding strategy is essential to this initiative's success. Two other critical elements of habitat protection identified as a priority were the prevention of oil spills and invasive species. Although this area has not recently experienced a major oil spill at the scale seen in some other parts of the country it was recognized by the subcommittee that we must remain vigilant and make sure we have good policies and programs in place that continue to reduce our risk of such an oil spill happening. Invasive species threaten all types of ecosystems, displace native species, disrupt ecosystem function, and cause significant economic impacts. They can undo salmon recovery efforts and threaten critical waterdependent industries, such as shellfish.

Page 24, Removing Barriers to Restoration add: Prevent the introduction and spread of invasive species and bolster our ability to rapidly respond when a new species arrives.

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	1.	Name: Carrie Byron
	2.	Agency or Affiliation: United States Environmental Protection Agency
	3.	Contact Information: Phone: 206.553.1760 Email: byron.carrie@epa.gov
#2		Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: Other please specify page/section and specific concern: Habitat Strategic Initiative Table book 1 Page 26
	5.	What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:
		All of sub-strategy A4.2 is a priority for the habitat protection and restoration strategic initiative.
	6.	Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals. This corrects a typo in the table of strategies and actions.
	7.	Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
	8.	Please describe the consequences of not making the requested change on our ability to

make progress toward Puget Sound recovery goals in the next 2 to 3 years.

preceding text.

Eliminates confusion in the text as currently written and brings the table in line with the

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1.	Name: Naki Stevens
2.	Agency or Affiliation: WA DNR
3.	Contact Information: on file Phone: Email:
	Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: Other x please specify page/section and specific concern: page 31, Book One. Targets on to shellfish do not include eelgrass.
5.	What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure: Add eelgrass to the targets relevant to shellfish.
6.	Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please

toward Puget Sound recovery goals.

Protecting healthy eelgrass beds is necessary to achieve the eelgrass target of a 20 percent increase by 2020.

7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

describe why ongoing programs and existing NTAs are not sufficient to move the region

- Protecting existing eelgrass beds is based on science.
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

Reduces credibility of PSP and AA not to recognize that protecting existing eelgrass beds is essential to achieving the recovery target for eelgrass.

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1.	Name: Naki Stevens
2.	Agency or Affiliation: WA DNR
3.	Contact Information: on file Phone: Email:
4.	Please identify your concern with the draft <i>(check box)</i> : Sub-Strategy \square <i>please specify number</i> : NTA \square <i>please specify number</i> : Other x \square <i>please specify page/section and specific concern</i> : Book One, the format of the 3
NTA ch	narts is different for habitat, creating confusion as to who is the NTA owner, etc.
5.	What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:
	Make the format identical for the three NTA tables
6.	Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.
7.	Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
8.	Please describe the consequences of not making the requested change on our ability to

make progress toward Puget Sound recovery goals in the next 2 to 3 years.

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1.	Name: Naki Stevens
2.	Agency or Affiliation: WA DNR
3.	Contact Information: on file Phone: Email:
	Please identify your concern with the draft <i>(check box)</i> : Sub-Strategy please specify number: NTA please specify number: Other x please specify page/section and specific concern: Book 2, page 41 – clarity re l Heritage Program

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

Instead of "The" Natural Heritage Program, please identify it as "DNR's" Natural Heritage Program

- 6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.
- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

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1.	Name: Naki Stevens
2.	Agency or Affiliation: WA DNR
3.	Contact Information: on file Phone: Email:
	Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: Other x please specify page/section and specific concern: Book 2, page 120, clarify ation of Aquatic Lands HCP

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

Through the habitat stewardship measures of the Aquatic Lands Habitat Conservation Plan, DNR will condition aquatic use authorizations to ensure new or retrofitted over-water structures do not impact eelgrass beds <u>and/or other covered habitats and species</u>.

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

Clarifies that the HCP applies to more resources that are critical to Puget Sound recovery than eelgrass beds.

- 7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.
- 8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

All forms received will be posted online at www.psp.wa.gov and provided to the ECB and the Leadership Council as they make final decisions about the Action Agenda update. Review forms are due no later than July 13, 2012. Please send completed forms to actionagenda@psp.wa.gov.

1.	Name: Emily Sanford				
2.	Agency or Affiliation: Puget Sound Partnership				
3.	Contact Information: Phone: 360.628.2426 Email: emily.sanford@psp.wa.gov				
4.	Please identify your concern with the draft (check box): Sub-Strategy please specify number: NTA please specify number: Other please specify page/section and specific concern:				
	Book One, Page 2, Second Section: "Today's investment in Puget Sound will directly influence the health of Washington State's economy tomorrow. Together the ports of Seattle and Tacoma make the Sound the second largest US harbor for container traffic, including \$28 billion in state-originated exports and 34,000 jobs. There are 68 state parks and 8 national parks, wildlife refuges, forests and other public lands that border Puget Sound. These assets help drive approximately \$9.5 billion in travel spending, including 88,000 tourist-related jobs that bring \$3 billion in income to the region."				
5.	What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:				
	Please replace the highlighted sentence above with this suggested alternative: "There are 68 state parks and 3 national parks, as well as wildlife refuges, national forests and other public lands that border Puget Sound."				
6.	Please explain your rationale for this change and why it must be made now as opposed to				

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

Original sentence reads incorrectly.

7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

No

8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

Limited. It's basically a typo/ grammatical error.

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1.	Name: Michael Rylko and Cecilia Wong				
2. 3.	8,				
	Phone: 206-553-4014	Email:	rylko.michael@epa.gov		
	604-664-4051		Cecilia.Wong@ec.gc.ca		
4.	Please identify your concern with the draft (check box):				
	Sub-Strategy \square please specify number:				
	NTA please specify number: Other xx please specify page/section and specific concern: Book 2 - Appendix B - Canada Coordination section - Page 515-516				

5. What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

Requested changes relate to 'Canada' section of Appendix B on pages 515-516. Proposed revised text is provided at the end of this form. Revised text is indicated in yellow highlight.

6. Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

The current text is not correct and does not accurately reflect the international agreements and documents that are in place. Accurate representation of these international agreements needs to be reflected in the final version of the Action Agenda.

7. Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

We only expect support for the proposed changes.

8. Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

As a federally approved Comprehensive Conservation Management Plan (CCMP) under the Clean Water Act, transboundary coordination is a requirement and needs to be accurately reflected in the document.

Appendix B on pages 515-516

Canada: Puget Sound is part of the Salish Sea that encompasses the Puget Sound of the United States and the Georgia Basin of Canada. Many pressures facing the Puget Sound ecosystem must be addressed on both sides of the border. Those pressures include the threat of oil spills, invasive species, wastewater, polluted runoff, air pollution, and climate change. Puget Sound recovery efforts are bolstered by close collaboration with our Canadian partners on scientific investigations, planning, and action implementation.

Environment Canada Pacific and Yukon Region (EC) and USEPA Region 10 have maintained a Statement of Cooperation (SOC) on the Salish Sea (Georgia Basin and Puget Sound) Ecosystem since 2000. The SOC, which outlines common goals and objectives, is an articulation of the importance of ecosystem-based partnerships in the region. It promotes closer Canada-US collaboration in addressing the transboundary environmental challenges confronting the future of this ecosystem. The SOC commits EC and the EPA to develop action plans every two years to guide coordination efforts and to report on progress. These action plans are developed through an interagency Working Group co-chaired by EC Pacific and Yukon Region and EPA Region 10 with representation from the Coast Salish Gathering Coordinators, the British Columbia Ministry of Environment, Washington State Department of Ecology, the Puget Sound Partnership and the Northwest Straits Commission. The SOC and current action plan is available at http://www.epa.gov/pugetsound/partnerships/index.html.

Relations between the Province of British Columbia and Washington State are guided by an agreement signed by the Premier and Governor that created an Environmental Coordination Council.¹ The Coastal and Oceans Task Force was created to enhance collaboration between the state and province on ocean health. The Partnership and the provincial Ministry of the Environment have been working with the SOC workgroup to coordinate the state/provincial work plan elements on transboundary marine restoration efforts with the federal level plan to the extent possible. Elements of that work plan may be incorporated into topic-specific strategies in the Action Agenda.

Examples of ongoing collaboration with Canada [Please delete 2nd bullet]

¹ Environmental Cooperation Agreement: signed on May 7, 1992 by Mike Harcourt, Premier of BC and Booth Gardner, Governor of Washington State in Olympia.

Marc Daily, Deputy Director Puget Sound Partnership 326 East D Street Tacoma, WA 98421

Re: Ecology Comments on the draft July 2 Action Agenda

Dear Marc,

Thank you for the opportunity to comment on the July 2 draft of the Puget Sound *Action Agenda*. The Department of Ecology (Ecology) would like to commend the Puget Sound Partnership (PSP) team for its great work since April in working with the Ecosystem Coordination Board (ECB) to refine important portions of the Action Agenda. Over the past two months, Ecology believes significant progress has been made in the two key areas in particular: the Strategic Initiatives and the Action Agenda sub-strategy rankings.

Strategic Initiatives

Ecology has been a strong supporter of the Strategic Initiative concept as a way to communicate priorities for the Action Agenda. We continue to believe that the three initiatives selected comport well with the Governor's 2020 recovery goal of "fishable, swimmable, digable". The additional clarity and substance provided by the ECB work groups allows Ecology and others to focus our limited resources on priority actions. Observations regarding NTAs presented in the July 2 draft include the following:

- Watershed Based Stormwater Management (C2.1 NTA 1). Ecology supports the revised language as amended by the work group. The work group revisions are consistent with state legislative intent and the soon-to-be-issued NPDES municipal stormwater permit, which establishes a six-year program for Puget Sound stormwater management. Importantly, the new general NPDES permits embody several "watershed-based" approaches that can benefit from additional evaluation and recommendations, notably low impact development, basin planning, regional monitoring, and education/outreach.
- Stormwater Retrofit Projects (C2.3 NTA 1). Ecology supports the revised language as amended by the work group. We will continue to work with PSP and EPA to align work products and expected outcomes associated with this critical effort.
- Fish Consumption Rates and Sediment Management Standards (C1.1 NTA 3). Ecology is currently modifying the process that affects the related efforts of establishing defensible fish consumption rates and rules for sediment management standards and water quality standards. We will propose revised language for this NTA at the July 25 meeting of the ECB for their discussion and approval.

Clearly, any changes to the Book 1 NTA will likewise need to be made in Book 2 for consistency (i.e., both narrative and table).

- Increase Enforcement Capacity (C1.1 NTA 7). This NTA was a late addition to the shellfish initiative and a primary owner has not yet been confirmed. Ecology believes enforcement is a shared responsibility of all levels of government consistent with other NTAs (i.e., PIC, PCAT), but we realize we have a key role in this activity so will work with PSP to clarify ownership.
- No Discharge Zone Evaluation and Petition (C1.5 NTA 1). Recent edits to the Book 2 NTA suggest exceptions to a NDZ and conflict with the language presented in Book 1. Consistent with the language agreed to by the work group, Ecology supports the language as presented in Book 1.

Action Agenda Sub-Strategy Rankings

Ecology appreciates all the work PSP invested in addressing concerns raised with the original sub-strategy ranking tool. PSP worked with a broad team of scientists to make adjustments to ratings for ecosystem pressures, took steps to ensure clarity for sub-strategies and their implementation, and provided improved instructions for the process. We believe this improved the overall quality of the process and product. In addition, by agreeing to present the rankings within the three broad strategies (i.e., Upland/Terrestrial, Marine/Nearshore, Reduce/Control Pollution), the final rankings allow for a much more rational and informative list to inform the broader policy discussion about priorities.

Book 2 Comment

Thank you for the opportunity to provide a short comment on Book 2 of Action Agenda. While it is not a change to the document, Ecology would like to point out the conflict between the existing BEACH GMAP and PSP Dashboard measures. In short, the governor's GMAP process conveys that beaches are declining in quality while the PSP dashboard tells us they are improving. Consistent with the GMAP measure, Ecology maintains that we should look at core beaches for both measures/targets instead of looking at "all" beaches. There are two key rational for this perspective: 1) The list of core beaches are those prioritized according to highest use/highest risk to swimmers; and, 2) the set of 46 core beaches is monitored each year and includes a long-term data set dating back to 2004. Any beaches monitored on top of this list are considered "additional" beaches and this varies year-to-year based on funding and public/partner comment. In order to measure the quality of our beaches over time, we need to use the core set of beaches to determine trends, otherwise, the graph will simply vary year to year just like our "additional" beaches vary year to year. Ecology would like to work with PSP in resolving this conflict for the adopted Action Agenda.

Again, we would like to thank the PSP team for the tremendous effort over the past two months. Ecology fully understands and appreciates the additional work you shouldered but believe it led to important improvements to the Action Agenda. Thank you.

Sincerely,

Josh Baldi Special Assistant to the Director



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

OFFICE OF SHELLFISH & WATER PROTECTION PO Box 47824 • Olympia, Washington 98504-7824 (360) 236-3330 • TDD Relay Service: 1-800-833-6388

July 13, 2012

Gerry O'Keefe Executive Director Puget Sound Partnership 326 East D Street Tacoma, Washington 98421

Dear Mr. O'Keefe:

Thank you for the opportunity to comment on the Puget Sound Partnership's July 2, 2012, "Draft Action Agenda – Book 1".

Our comments include the following:

- General. Please ensure the NTA language is the same in Book 1: Table 3 and Book 2: Table 3. Example: Strategy C, 1.1, NTA description.
- Page Seven. The sentence on failing septic tanks and rural/agricultural lands is misleading. Consider rewriting it in some fashion to say that we need to protect and restore shellfish beds by preventing and reducing pollution from a variety of land uses and pollution sources; including: agricultural lands, on-site sewage systems, and other sources.
- 3. Page 30, paragraph 2, sentence 2. We don't know what this sentence means: "In its work the subcommittee acknowledged that these not all the actions we need to take to recovery shellfish beds, many additional actions are included in the full Action Agenda; however, these are the actions they identified as the most critical and valuable for the next two years."
- Page 30, paragraph 3, end of sentence 1. Please change: "... pollution control in order
 to thrive so they are safe to eat." This change is needed because shellfish can thrive in
 polluted waters.
- Page 32. The Henderson Inlet example would be enhanced if the text or bullets credited the people who live in the watershed for making investments and changing their practices. Fortunately, the Romero quote mentions the residents.

- 6. Page 33, sentence 3. This sentence on septic systems in the middle of the paragraph is confusing. We suggest using the term "on-site sewage system" throughout the document and the following edits: "The On-site sewage system (OSS) programs helps to educate homeowners about the importance of maintaining their septic-systems to protect and restore Puget Sounds' health and provides an opportunity to develop a public private partnership to repair polluting systems." In addition, the following sentence makes little sense about people participating in "the program." We suggest striking this sentence or rewriting it to say that property management of systems helps protect personal investments, property values, and Puget Sound.
- Page 34, Paragraph 2, bullet 2. DOH previously suggested the following alternative phrasing to "PSP for C5.3, NTA2: Regional OSS Program Funding Source":
 - DOH will evaluate optional approaches to establish a regional funding source approaches and mechanisms (e.g., a regional flush tax or sewer surcharge) to generate and distribute funds to Puget Sound counties to implement their establish a regional funding source for local OSS management plans and programs by June 2014
- Page 34, bullet 1. "Pollution Identification and Correction Programs" needs to be corrected and reworded. Counties and Tribes, not DOH and Ecology, will create PIC programs. We suggest rewording it to say:
 - DOH and Ecology will administer EPA grants to help counties and tribes set up sustainable programs to identify and correct nonpoint pollution sources to improve and protect water quality in shellfish growing areas and marine swimming beaches. These sustainable programs will have on-going monitoring to identify pollution sources and assess effectiveness of efforts, a local sustainable funding source, and a compliance assurance component.
- Page 34, bullet 2. "No Discharge Zone Evaluation and Petition" needs to be corrected (DNR is not part of the effort, is it?), and changed to something shorter and less detailed so that it reads in its entirety:
 - Ecology will administer grants to fund the development of a petition to EPA to establish a No Discharge Zone (NDZ) to prohibit recreational and commercial vessels from discharging sewage in all or parts of Puget Sound. Department of Ecology is leading this effort assisted by People for Puget Sound, Washington State Parks and the Environmental Protection Agency.
- Page 36, C1.1, NTA #7. Ecology should be the owner. The secondary owner should be local governments.

11. Page 36, C1.5, NTA #1. This should be changed to be the same as the language shown above for NDZs. The "No Discharge Zone Evaluation and Petition" needs to be corrected (DNR is not part of the effort), and changed to something shorter and less detailed so that it reads in its entirety:

Ecology will administer grants to fund the development of a petition to EPA to establish a No Discharge Zone (NDZ) to prohibit recreational and commercial vessels from discharging sewage in all or parts of Puget Sound. Department of Ecology is leading this effort assisted by People for Puget Sound, Washington State Parks and the Environmental Protection Agency.

 Page 37, C9.4, NTA #1. Same comments as above on PIC. "Pollution Identification and Correction Programs" needs to be corrected and reworded. Counties and Tribes, not DOH and Ecology, will create PIC programs. We suggest rewording to:

DOH and Ecology will administer EPA grants to help counties and tribes set up sustainable programs to identify and correct nonpoint pollution sources to improve and protect water quality in shellfish growing areas and marine swimming beaches. These sustainable programs will have on-going monitoring to identify pollution sources and assess effectiveness of efforts, a local sustainable funding source, and a compliance assurance component.

13. Page 38. Delete the paragraph titled, "Collaboration to Restore Shellfish Beds in the Samish." Page 32 has a description of the very successful effort in Henderson Inlet. Samish Bay's effort is in trouble.

I hope you find these comments useful. The Department of Health is fully committed to helping the Partnership carry out their work and to implement the final Puget Sound Action Agenda.

Sincerely,

Jerrod Davis, P.E. Director

cc: Maryanne Guichard, Department of Heath Mary Knackstedt, Department of Health July 13, 2012

Mr. Marc Daily, Deputy Director Puget Sound Partnership 326 E D Street Tacoma, WA 98421

RE: Comments on draft Action Agenda

Dear Mr. Daily:

We are writing on behalf of the WSAC Coastal Caucus counties, comprised of the 12 Puget Sound counties and the counties on the Pacific coast. It is important to note that the entire Coastal Caucus has not had an opportunity to review this letter; only the two co-chairs have been able to do so due to the deadline for commenting.

As you know, the Coastal Caucus has been actively participating in the development of the revised Action Agenda. A restored and functioning Puget Sound is vital to our local economy, as well as to our enjoyment of the area we all live in.

Our members are committed to restoring and protecting Puget Sound, They have developed and adopted Critical Areas Ordinances, Shoreline Master Program updates, stormwater utilities and related fees, which have often been controversial. We have also litigated many of these issues, which can take significant time and cost. It is our hope that the adopted Action Agenda minimizes legal exposure for both state and local government agencies, so we can spend our time and funding improving and protecting the resources.

We believe that success with the Action Agenda priorities will be best achieved by honoring local government efforts which support recovery of Puget Sound, rather than creating new tasks and unfunded mandates. PSP's true power lies in mobilizing and aligning the many positive efforts already taking place around the Sound.

We offer the following comments and concerns – with the aim of bringing further clarity to the Action Agenda.

- 1. Some state agency actions are proposed without having the needed policy guidance provided by the Action Agenda as context. The two prime examples are Ecology's fish consumption standards (page 15, table 1, strategy C 1.1) and WDFW's HPA regulations (page 27. Table 2, strategy B 1.3). These are separate agency actions that should be progressing (or not) based on their own momentum. Does the authorizing environment for the Action Agenda support this approach?
- 2. The Action Agenda has a number of statements and actions relating to shellfish, but the document does not differentiate between different species of shellfish.

For example, the discussion seems to be directed toward clams and oysters. However, if it is also intending to include geoducks, science is still incomplete about the impacts to the shoreline and the species that depend on them. In addition, there are two Superior Court decisions providing direction to Thurston and Pierce on how to use the substantial development permits for new geoduck farms The Action Agenda needs to acknowledge the distinctions and be specific about which actions will apply to different species of shellfish.

- 3. We note with interest the discussions related to municipal wastewater treatment facilities and to onsite septic systems. As an observation, the region seems to accept that it is reasonable public policy to subsidize large scale wastewater treatment systems, but not onsite septic systems. The significant public investment in central sanitary sewer systems benefits a majority of the private landowners within the utility service area. The state and the Legislature should invest effort and time to see if similar policies can be established to help place onsite septic systems on a similar footing in order to meet the Action Agenda goal.
- 4. The Action Agenda discusses consistency of local government plans and programs with the Action Agenda. This is of concern to us. We question whether the agencies have the authority to determine consistency of plans, development regulations, and other local government plans and programs. Several of the counties will have already updated or are almost done their plans by the time the action agenda is adopted. They shouldn't be required to go back
- 5. Although we have been assured by PSP staff that this is not intended to force jurisdictions that have already done their SMP and CAO updates to revisit them, we request that be clearly stated here. It is also unclear who would determine this level of consistency.
- 6. We note that a large percentage of the actions require implementation by counties and cities. We think it would be valuable to have an ongoing consultation process between the PSP and local governments, and urge the PSP to work with the local government associations to develop such a process.
- 7. The idea of managing stormwater on a watershed basis is interesting, and we think it is worth exploring. It would be useful to have more identification and discussion of the issues associated with this topic. We note that the new NPDES permit has monitoring being done on a regional basis, which is an interesting model.
- 8. There are references to "land use planning barriers" in the habitat section. We do not understand what is meant by this. Who determined that there are barriers? What process was used? Is it the intent to provide assistance to local governments in incorporating some types of provisions in local plans and regulations? That is different than identifying "barriers". We are also concerned about the schedule; having sample policies distributed by December 2012 is very ambitious.
- 9. Removing hard armoring is important for habitat, but it is also important that counties be able to incentivize soft shore armoring to enhance nearshore habitat and protect existing communities before homes are threatened.
- 10. We note with concern that during the next 12 to 18 months, there is significant activity planned that affects local governments. For example:

- a. Identifying barriers to adopting Action Agenda policies by December 2012
- b. ECB work on regulatory exemptions (HPA, SMA) by December 2013
- c. Puget Sound Floodplain Protection and Recovery Policy Team by June 2013 identify changes needed to various local/state/federal programs
- d. Tracking the landowner incentive program development for removing shoreline armoring work done by June 2013

This requires staff time from local governments to just track and participate, let alone implement, and we will need support and financial assistance.

Counties are ready to carry out their responsibilities to protect and restore Puget Sound. As we have discussed with the Partnership on a number of occasions, we are continuing to face serious budget shortfalls due to the downturn in the economy. We will need financial assistance to carry out new responsibilities and ask for your continued attention in this arena.

Thank you for the opportunity to provide our comments; individual counties will be providing their own detailed comments. We look forward to continuing to work with you in protecting and restoring Puget Sound.

Regards,

Helen Price Johnson, Coastal Caucus Co-Chair Co-Chair Island County Commissioner Phillip Johnson, Coastal Caucus

Jefferson County Commissioner

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- 1. Name: Joe Mentor, Mentor Law Group, PLLC
- 2. Agency or Affiliation: Hood Canal Coordinating Council
- Contact Information: Phone: (206) 838-7650

Email: mentor@mentorlaw.com

 Please identify your concern with the draft (check box): Sub-Strategy

please specify number:
NTA

NTA

Rese specify number: Strategy C2

NTA ☐ please specify number: Strategy C2
Other ☐ please specify page/section and specific concern: The Action Agenda in Hood
Canal, pages 436 to 448.

 What changes, additions, or edits do you propose to address your concern, please provide specific language/revisions in track changes; if you are proposing changes to NTA or new NTAs please indicate your proposal for NTA ownership and your proposed performance measure:

Attached is a letter from Scott Brewer, the Executive Director of the Hood Canal Coordinating Council, sent to the Puget Sound Partnership on February 3, 2012. There are issues raised by Mr. Brewer that do not appear to have been fully considered. We have attached Mr. Brewer's letter hereto for the Partnership's further consideration.

Proposed Change #1 -- Page 438 - Local Action Agenda Process

The Hood Canal Coordinating Council (HCCC) is the Local Integrating Organization for the Hood Canal Action Area. HCCC is a watershed based council of governments, comprised of Jefferson, Mason and Kitrap County Commissioners, and Skokomish and Port Gamble S'Kialiam Tribal Loyders.

Proposed Change #2 -- Page 444 -- Local Implementation Structure

The HCCC is a watershed-based "council of governments" comprised of Jefferson. Kitsap and Mason Counties, the Port Gamble S'Klallam Tribe and the Skokomish Tribe. The HCCC also includes the several federal and state agencies as ex officio, nonvoting members. The HCCC and is the Local Integrating Organization for the Hood Canal Action Area.

The HCCC serves a variety of functions and operates in a number of capacities. First, as an interlocal agency under Chapter 39.34 RCW, the HCCC coordinates the activities of its members and other public entities and Indian titles in their efforts to protect and restore the Hood Canal watershed. HCCC's Board of Directors includes the County Commissioners of each member County and the Tribal Chairperson or a duly-authorized representative of each member Tribe. The HCCC also was formed as a non-profit public benefit corporation under Chapter 24.03 RCW.

1

Washington's Nonprofit Corporations Act, to serve as the interlocal agency's fiscal agent. The Internal Revenue Service (IRS) has recognized the HCCC's nonprofit corporation as a public charity under section 501(c)(3) of the Internal Revenue Code. Finally, the HCCC serves public charity functions pursuant to Chapter 90.88 RCW, the Aquatic Rehabilitation Act. The Act designates the HCCC as the local management hoard for Hood Canal rehabilitation under RCW 90.88.010(3). HCCC is the inter-WRIA coordinator for watershed planning under RCW 90.88.030(1)(b). The HCCC also is the lead entity and regional recovery organization for summer chum salmon recovery under RCW 90.88.030(1)(a). As the lead entity, HCCC develops both short term and longer term project lists, solicits sponsors to implement the programs and evaluates and ranks project proposals.

The HCCC, through a broad array of effective partnerships, is working with the community to stitch together efforts to create a strategic action plan that will set priorities to ensure a future in which the Hood Canal remains a special place for all to enjoy. The Integrated Watershed Management Plan, which is synonymous with the Action Agenda update, will be used as the vehicle to provide information to the Puget Sound Partnership on progress made in Hood Canal.

Proposed Change #3-- Page 440 - Priority Near Term Actions (in-progress)

- El In coordination with a number of partners, HCCC will complete its Integrated Watershed Management Plan (IWMP) by June 30, 2013. Based on critical, high priority strategies and actions identified in the IWMP, HCCC will develop Local Near Term Actions for incorporation into the Action Agenda.
- In coordination with the US Navy and other partners, HCCC will implement complete the Inlieu Fee (ILF) Mitigation Program instrument by June 30, 2012. The HCCC ILF Program is intended primarily to serve permit applicants in the Hood Canal drainages of Kitsap County, Jefferson County, and Mason County whose project triggers compensatory mitigation for unavoidable impacts to aquatic resources. The HCCC ILF Program will enable mitigation monies generated as a result of these projects to be directed toward the top conservation and restoration priorities in the Hood Canal watershed, as guided by the Instrument and that are commensurate with the type and amount of impacts generating the mitigation monies. Working with its partners in this process, HCCC will be in position to implement high priority actions from the ILF for 2012 and beyond.
- Phase I of a regional Hood Canal Pollution Identification and Correction (PIC) program is in
 progress to determine the needs for a comprehensive regional program. The program will
 provide information about the sources of pollution, including failing septic systems.
 Results of this Phase I approach will allow development and implementation of the
 regional program during Phase II, slated for 2014 and beyond.
- HCCC will develop the Hood Canal Regional Stormwater Retrofit Plan to coordinate stormwater and low impact development retrofit efforts on a regional scale. Stormwater retrofit and LID practices improve water quality, help protect shellfish heds, decrease flooding risks and increase aquifer recharge, is pursuing a stormwater retrofit program to identify and prioritize stormwater retrofit opportunities throughout the Hood Canal waterched. By the end of 20142013 a list of prioritized stormwater retrofit projects will be available to determine feasibility for implementation.
- By June 30, 2013, HCCC will convene a climate change symposium to identify unique vulnerabilities and potential adaptation strategies for the Hood Canal Action Area. Based on results of this symposium, HCCC will identify high priority adaptation strategies.

Hood Canal Coordinating Council

JEFFERSON, KITSAF & MASON COUNTIES; PORT GAMBLE S'KLALLAM & SKOKOMISH TRIBES STATE & FEDERAL AGENCIES

3 February 2012

Puget Sound Partnership 326 E D Street Tacoma, WA 98421

Dear Puget Sound Partnership:

On behalf of the Hood Canal Coordinating Council (HCCC) we provide the following comments on the Puget Sound Action Agenda Update, dated December 9, 2011:

Thank you for this opportunity to provide comments on the Action Agenda Update. We applied the Partnership for the effort and thought applied in developing this AA Update. Partnership staff has been exceptional to work with and we look forward to continuing that strong relationship that has been fostered as we advance regional efforts to protect and restore the health of the Hood Canal Action Area.

We recognize, and we believe you do as well, that existing programs are important and should be considered in the mix of available future funding and how they fit in the context of Puget Sound recovery. In this Action Agenda Update, however, we welcome the attempt to "tee-up" a robust list of near-term actions that reflects new knowledge, new ideas, and the need to go beyond our current efforts to address critical pressures.

The current updating of the Action Agenda and associated comment period has allowed for a great opportunity to engage with our Hood Canal community partners in an exchange of information and ideas to address what threatens Hood Canal. Your process has sharpened the focus on these critical issues and mobilized community involvement. Through our Integrated Watershed Management Plan (IWMP) approach we have been working closely with our partners and their comments reflect the direction and guidance of the IWMP and goals established for the Hood Canal Action Area. As the Local Integrating Organization (LIO), we recognize that more work is needed with our partners to further develop and incorporate recommendations into the IWMP and the Action Agenda over the next couple of months. We will use all comments that pertain, to refine the local Hood Canal near term actions (NTAs). As together we get a better handle on the breadth, depth, and scope of the comments, we will want to be involved in editing and updating the local Hood Canal profile and will work with Partnership staff to accomplish this task. We

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also seek to understand how the regional Puget Sound NTAs will support these local NTAs.

The Action Agenda Update presents over 150 NTAs. We suspect that the number will grow as a result of this review and comment period. Given the scale and extent of the NTAs, there is still a need to refine and prioritize the actions to match available funding, capacity, knowledge and skills. We want to understand how the prioritization of actions will be developed? Through the development of this current update to the Action Agenda, we hope to work with Partnership staff to see how the regional strategies and NTAs for all of Puget Sound can be integrated with and support local priorities and strategies. We also expect that funding of eventual actions will result from a competitive process that considers local priorities.

Specifically we would like to address the following topics:

We do not consider the In Lieu Fee Compensatory Mitigation program for the Hood Canal watershed as only a pilot as described in the Action Agenda on page 82. The Hood Canal ILF is intended to be a permanent tool available for our Hood Canal jurisdictions that allows for mitigation to occur, when necessary, that supports recovery and restoration of the Hood Canal landscape. We expect the Final Instrument for the program to be completed in June 2012 (not March 2012). The Action Agenda in section A7.3 states there are no NTAs identified for compensatory mitigation tools. We believe, however, that the NTA for the Hood Canal ILF program to be included in the Action Agenda update should consider that once the Final Instrument is complete we will be working in earnest with our partners, including the Puget Sound Partnership to apply the tools and assessments in the selection of appropriate mitigation projects that meet the goals and objectives for the Hood Canal Action Area.

Strategy C2 focuses on urban stormwater runoff; however, the stormwater challenges described in this section are not limited to urban basins. In particular, Strategy C2.1 focuses on maintaining stream health in locations where streams have "excellent" biotic integrity scores. These streams, with excellent biotic health, are for the most part not located in urban settings. In order to maintain the health of these systems, the stormwater strategies should be expanded to include a rural focus as well.

The target view on dissolved oxygen in marine waters should include some additional strategies and sub-strategies to address dissolved oxygen more comprehensively, including the following:

- Prevent or reduce nutrients from decentralized wastewater treatment, including reference to the work by the Department of Health to develop and OSS nitrogen reduction technology.
- · Address nitrogen from alder forests.
- Include mitigation strategies to identify ways to lessen the impacts of eutrophication.

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- As the Lead Entity for salmon recovery, HCCC will continue to target funding to the highest Tier I salmon recovery projects between 2012-2014, as listed in the Hood Canal Three Year Work Plan. Projects include acquisition, protection, and restoration activities.
- Please explain your rationale for this change and why it must be made now as opposed to in future Action Agenda updates. In particular, if you are proposing a new NTA, please describe why ongoing programs and existing NTAs are not sufficient to move the region toward Puget Sound recovery goals.

Proposed Change #1 -- Page 438 -- The description of the organizational structure is inaccurate and duplicative. The description denotes that only the "Tribal Leaders" are members of the HCCC not the Tribes themselves. This description does not describe the HCCC non profit corporation. Furthermore, the sentence should be removed because it is duplicative with the explanation provided on Page 444.

Proposed Change #2 -- Page 444 - This change is necessary to reflect the organizational structure of the Hood Canal Coordinating Council. The organizational structure of the interagency agreement and the non profit corporation as the managing entity allows HCCC to implement the actions and strategies to protect and restore Hood Canal.

Proposed Change #3 - Page 440 – The Action Agenda should adequately reflect the status of the activities in Hood Canal. The edits are intended to update the list. ILF Mitigation Program. On July 3, 2012, the Army Corps of Engineers approved the ILF instrument. The RFP for a consultant for the Hood Canal Regional Stormwater Retrofit Plan was published in June 2012.

 Do you anticipate any particular support or opposition/concern related to your change? If so please describe briefly.

No.

Please describe the consequences of not making the requested change on our ability to make progress toward Puget Sound recovery goals in the next 2 to 3 years.

Without these changes, the PSP will not be accurately identifying the structure of the Hood Canal Coordinating Council, a Local Integrating Organization for the Hood Canal Area, nor adequately reflecting the status of the Priority Near Term Actions.

In Section C11.1 "Complete TMDL studies and other necessary water cleanup plans for Puget Sound to set pollution discharge limits and determine response strategies to address water quality impairments" consider adding to the list of "Key Ongoing Program Activities" that the Hood Canal Aquatic Rehabilitation Program is working to address the human contributions to low dissolved oxygen problems in Hood Canal, using the scientific findings from the Hood Canal Dissolved Oxygen Program and others, to develop and advance corrective actions.

Please add Lower Hood Canal Watershed Coalition to the Hood Canal Action Area partners list.

Sincerely,

Scott Brewer Executive Director

Hood Canal Coordinating Council

Auth Bury

cc: HCCC Board Dan O'Neal Teri King